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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FCC 95-285

In the Matter of)
)
 Streamlining the Commission's)
 Rules and Regulations for Satellite)
 Application and Licensing Procedures)

IB Docket No. 95-117

NOTICE OF PROPOSED RULEMAKING

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I. INTRODUCTION

1. By this Notice, we propose to streamline application and licensing procedures and requirements for satellite space and earth stations under Part 25 of our rules. These proposals will allow service providers to operate without any unnecessary regulatory burdens or constraints and therefore to respond more quickly to their customers' needs. The proposals reflect the Commission's continuing effort to monitor and revise, as necessary, its rules governing satellite communications services. Our goal is to eliminate outdated and cumbersome regulatory requirements, decrease unnecessary paperwork for applicants, and increase the efficiency of space and earth station licensing. Among other things, this Notice proposes to waive the construction permit requirement for space stations and to relax the rules governing space station licensee reports. We also propose to modify license renewal rules for temporary fixed earth stations and Very Small Aperture Terminal ("VSAT") earth stations. Many of these proposals are intended to implement recommendations made by the public as well as industry representatives at a series of roundtable discussions sponsored by the International Bureau. In keeping with the purpose of the Commission's recent consolidation of international activities in the International Bureau, these proposals seek to create significant processing and operational efficiencies.

II. BACKGROUND

2. When domestic commercial satellites were first authorized in the early 1980's, they were used primarily for long-distance telephone transmissions. Over the course of the last decade and a half, there has been a transition to a wide variety of services that were not contemplated, or indeed technically possible, fifteen years ago. For, example mobile-satellite services,¹ both "Big" and "Little" low-earth orbit satellite technology,² and VSAT technology³ are recent innovations in this industry that will ultimately make it possible for all people in all places to receive satellite-delivered communications.

3. We created the International Bureau to consolidate the Commission's international policies and activities, and create a more effective organization to address international communications issues. Previously, Commission international and satellite functions ranging from policy development, facility and service licensing, spectrum management, negotiation of agreements with other countries and other

¹ Mobile-satellite service is radiocommunication service between mobile earth stations and/or by means of one or more space stations.

² Big low-earth orbiting satellite technology is mobile-satellite service in the 1.6/2.4 GHz frequency bands providing voice, video, and data related services. Little low-earth orbiting satellite technology is mobile-satellite service below the 1 GHz frequency band providing data related services.

³ VSAT technology provides private, non-common carrier, high speed, data, voice, and video services to an extended network of retail locations through the use of small earth stations.

matters were dispersed among six different bureaus and offices within the agency.⁴ Congress and industry made it clear that improvements needed to be made in international policy development and representation of U.S. interests overseas in view of the globalization of communications. Moreover, in a global market, it was clear that the United States could not afford a licensing process that hinders the competitiveness of U.S. industry. The International Bureau was created to respond to these concerns in a comprehensive manner.

4. To help us cope with the changing nature of the satellite industry, the Commission commenced a review of all its operations in order to eliminate outdated regulations and unnecessary burdens imposed on satellite applicants and licensees. The month after its creation, our new International Bureau held its first roundtable discussion with industry to solicit ideas for Bureau improvements. In February of this year, the Bureau hosted another roundtable where we solicited suggestions on ways to improve our satellite application and licensing policies and procedures. Many of the recommendations made during the roundtable discussions have been incorporated into this Notice. In addition to the roundtable discussion, the Bureau issued several public notices encouraging the public to write or call with additional ideas for improvement. We have also received suggestions regarding possible changes to its rules of practice and procedure from the International Practice Committee of the Federal Communications Bar Association. As a result of these efforts, we have received many excellent suggestions for improvements, some of which the Bureau was able to implement quickly, without a rule change.⁵ Other areas for improvement, however, require changes to our rules. Therefore, we are initiating this rulemaking. This proceeding is an important step in streamlining satellite regulatory procedures to make U.S. industry more competitive and is the result of focusing the attention of a consolidated organization on issues of international competition.

III. DISCUSSION

5. We substantially reviewed our satellite regulations, Part 25 of our rules, 47 C.F.R. Part 25, in the late 1980's. Since then, satellite technology has continued to evolve. Thus, we believe that further review is warranted at this time. We set forth our proposed rules in Appendix B. These proposed rules apply to U.S.-licensed systems providing international and domestic satellite service. While most amend or eliminate existing requirements, the proposed rules also codify various technical and procedural policies and guidelines that have not yet been specifically codified into Part 25. We invite comments on all aspects of these proposals. We also request specific proposals and recommendations

⁴ Over 40 international and satellite functions were consolidated into the International Bureau from six different bureaus and offices. See FCC News Release, Report No. GN-167, October 12, 1994.

⁵ For example, the Bureau: (a) in November (1994), implemented a grant-stamp procedure for the quick processing of certain types of requests for special temporary authority for domestic earth station facilities (under the grant stamp procedure, a routine request for special temporary authority that complies with the requisite rules and is in the public interest, convenience, and necessity, will be stamped "Granted" after being placed on public notice); (b) in February, eliminated the redundant filing of Radiation Hazard Studies under Part 25 of our Rules by earth station applicants and licensees; (c) in March, reviewed and granted 173 earth station renewal applications, clearing the way for continued delivery of video programming, data transmission and teleconferencing services; (d) in March, authorized status conferences to be called upon request and, consistent with our *ex parte* rules, in cases where the Bureau has not acted on an application within six months of filing; (e) and in May, sponsored, in conjunction with the International Telecommunications Union, a seminar on major radiocommunication satellite matters.

for any additional streamlining rule changes.

A. Space Stations

6. To make the application process more efficient, we propose to streamline our space station application requirements and licensing provisions which are described in Section 25.114. The proposed changes, which follow, will reduce paperwork and administrative and regulatory burdens for both applicants and the Commission.

1. Waiving the Construction Permit Requirement

7. We propose to waive the construction permit requirement for space stations and allow potential applicants to begin construction of their satellites at their own risk prior to receiving a license. We emphasize that pursuant to the proposed rule, any construction of space stations prior to obtaining an operating license will be at the applicant's own risk. A potential applicant's decision to proceed with construction and incur expenses associated with construction will not predispose us to grant its future application. Given the large amount of capital necessary to build and operate space stations, we recommend that potential applicants carefully weigh these concerns in their deliberations as to whether they should proceed with construction of space stations prior to obtaining a license. In waiving the construction permit requirement, we eliminate the need for applicants to request waivers pursuant to Section 319(d) of the Communications Act.⁶ A Section 319(d) waiver allows an applicant to begin construction at its own risk without a construction permit and prior to obtaining a license. We believe some industry members have come to view the grant of a Section 319(d) waiver as an implicit grant of a license and not simply as authority to construct at one's own risk. We are concerned that potential applicants understand that the proposed waiver of the construction permit requirement truly means that construction is at their own risk. Therefore, we propose that prior to construction, potential applicants notify us in writing, that they are beginning construction and acknowledge that they are proceeding at their own risk.

8. We believe that waiving the construction permit requirement for space stations will provide industry with increased flexibility in their long-term business planning, their construction of space stations, and their delivery of services. The process of licensing a new satellite often takes years, especially where no frequency allocation exists. This delays the construction and authorization of the system and the delivery of new and innovative services to the public. Further, it usually takes a number of years to design and build a space station. Allowing potential applicants to undertake construction without a construction permit helps to ensure that the public receives new and innovative services as quickly as possible. This proposal will diminish the administrative burdens both to applicants and to the Commission staff associated with the processing of construction permit applications and requests for Section 319(d) waivers. We seek comment on our proposal to waive the construction permit requirement for space stations, including any conditions or restrictions, such as the notification requirement discussed

⁶ Section 319(d) of the Communications Act authorizes us to waive the requirement for construction permits for any station or class of stations (other than broadcasting stations) if we determine that the public interest, convenience, and necessity would be served by such a waiver. We have routinely granted 319 (d) waivers of the construction permit requirement on a case-by-case basis.

above, that should be imposed.⁷

2. Eliminating Certain Existing Requirements

9. We propose to eliminate a number of unnecessary or redundant requirements for space station operators. We propose to eliminate the general requirement that applicants for new satellite space stations submit a "detailed statement of estimated investment and operating costs for the expected lifetime of the facility"⁸ and a "detailed schedule of the estimated investment costs and operating costs" and "[e]stimated annual revenue requirements."⁹ The Commission's rules require that an applicant present information sufficient to demonstrate its financial capability to proceed expeditiously if granted a license.¹⁰ Our financial evaluation of an applicant is usually based on other material required under the Commission's rules,¹¹ and, therefore, routinely requiring this information imposes an undue burden on applicants.¹² While the Commission would retain discretion to seek this information in the event it might prove relevant to a public interest determination, we do not believe routinely requiring its submission continues to serve the public interest.

10. We propose to eliminate the requirement in Section 25.114(c)(8) that an applicant submit the estimated number and geographic distribution of earth stations, and describe the proposed arrangements for access to the system between the premises of the users and the earth stations for domestic satellites. We also propose to streamline Section 25.114(c)(9) by eliminating the requirements that an applicant submit the estimated demand for the services and the entities to be served, and an estimate of transponder capacity under each of the proposed operating conditions. Currently, we require applicants to provide us with information on launch vehicles and arrangements for procuring launch services.¹³ None of the information requested by Sections 25.114(c)(8), (c)(9), and (c)(12) is necessary to our determination of whether a grant of a space station authorization would serve the public interest. If a situation arises in which this information is helpful, we can request it from the applicant. Therefore, we propose to eliminate all three requirements. Further, we propose to eliminate the requirements set out in Section 25.114(c)(16) for detailed information concerning historical use of the system when the

⁷ See 47 C.F.R. § 25.113 (outlining requirements for construction permits); 47 C.F.R. § 25.114 (outlining general requirements for space station authorizations).

⁸ 47 C.F.R. § 25.140(c).

⁹ 47 C.F.R. § 25.114(c)(17).

¹⁰ 47 C.F.R. §§ 25.114, 25.140.

¹¹ 47 C.F.R. § 25.140(d).

¹² Because the projections are typically considered sensitive business information, they have given rise in a number of instances to litigation, usually with competing applicants as adverse parties, concerning whether those projections should be treated as confidential under the Commission's rules and relevant statutes. See 47 C.F.R. § 0.457. Eliminating this requirement will reduce the petitions for confidentiality from applicants concerned about sensitive business information becoming public and will reduce the administrative burden on the Commission staff.

¹³ 47 C.F.R. § 25.114(c)(12).

licensee requests additional or replacement satellites because it is unnecessary.¹⁴ The only information necessary to our public interest determination is whether the licensee is adding an additional satellite to its system or replacing one. We assume that applicants applying for, and submitting the filing fee for, replacement or expansion satellites are operating their in-orbit satellites at full capacity. Finally, we propose to eliminate Section 25.114(c)(15) which requests information as to the satellite's capability to provide service to Alaska, Hawaii, and/or Puerto Rico/Virgin Islands. Section 25.114(c)(9) already requests this information. We seek comment on these proposals.

3. Clarifying Existing Rules

11. We propose a number of clarifications to our rules that should provide applicants with greater guidance and direction and make the application process more efficient. We propose to amend Section 25.114(a) to allow applicants to submit one consolidated system proposal containing information common to all space stations. Currently, under Section 25.114(a), we require applicants to submit a separate application for each proposed space station to be constructed. Technology has changed significantly since this rule was adopted and the satellite industry of the 1990's sometimes uses hundreds of space stations in a particular satellite system. This proposal will eliminate paperwork and alleviate any unnecessary burden placed on applicants who are proposing more than one space station. We also propose to eliminate the requirement that applicants distinguish individual satellites within their system.¹⁵ Applications should include the total number of proposed space stations.

12. In addition, we also wish to clarify Section 25.114(c)(10) by adding language to specify that the section, which requests information on orbit characteristics, applies only to satellites in geostationary-satellite orbit.¹⁶ We seek to clarify Section 25.155(b)(2), which addresses issues of mutual exclusivity, comparative consideration, and "cut-off" dates. We are prompted to amend Section 25.155(b) because, at times, it creates substantial confusion and uncertainty regarding whether a "cut-off" date has been triggered. Under Section 25.155(b), an application that is acceptable for filing and mutually exclusive with another application is entitled to comparative consideration if it is received within the "cut-off" date specified in the public notice, but if no "cut-off" date is specified, within thirty days after the date of the public notice listing the first of the conflicting applications. We propose to eliminate the automatic triggering of the 30 day "cut-off" period when no "cut-off" date is specified in the public notice. Instead, we propose to provide explicit notice of a "cut-off" period in all cases. In other words, a "cut-off" period will not be triggered unless we have specified a "cut-off" date in a Public Notice. This proposal will remove any ambiguity and provide explicit direction upon which applicants and commenters can rely. We request comment on these proposals.

¹⁴ Section 25.114(c)(16) requests that an applicant provide "detailed information on the historical use of the system transponder-by-transponder and . . . a projection of the types and amount of services . . . for each additional satellite on a year-by-year and transponder-by-transponder basis over the estimated lifetime of the satellite(s)."

¹⁵ See 47 C.F.R. § 25.114(b).

¹⁶ A satellite operating in geostationary-satellite orbit has a period of revolution equal to the period of rotation of the earth about its axis and a circular and direct orbit which lies in the plane of the earth's equator.

4. Reducing Reporting Requirements for Space Stations in the Fixed-Satellite Service

13. In the past we have required all operators of space stations to file a semi-annual report with the International Bureau and the Commission's Laurel, Maryland field office¹⁷ containing specific information regarding construction progress and traffic on in-orbit satellites outlined in Sections 25.210(j)(1), (j)(2), (j)(3), and (j)(4). Industry representatives suggested we scale back some of our reporting requirements, and we propose to adopt the industry's recommendations in this area. We propose to have the report filed on an annual basis, specifically on June 30 of each year. We believe an annual reporting requirement is preferential to a semi-annual requirement because it reduces the paperwork burden on the applicants and the Commission while still ensuring that the Commission receives the required information on a regular basis.

14. In addition, we propose to eliminate some of the information required in the satellite report. Currently, Section 25.210(j)(3) requires the applicant to provide a detailed description of the utilization made of each transponder. This includes information as to whether the transponder is used for preemptible or occasional services, the nature of the services, and the amount of time preemptible or occasional services are provided over the transponder. We initially requested this information to determine whether transponders were being used efficiently. While we continue to be concerned about transponder usage, we can request this information from applicants if necessary. We propose to require an applicant to describe only how each transponder is being used and identify the total capacity or percentage of time each transponder is actually used for transmission and the amount of unused system capacity in the transponder. We request comment on this proposal.

5. Eliminating Application Requirements for Inclined Orbit Operations

15. We propose to eliminate the requirement to file an application for authority to operate a geostationary satellite in an inclined orbit. To contain a geostationary satellite within a pre-defined boundary around its nominal orbital location, periodic maneuvers are required that reverse the satellite's orbital drift due to the gravitational pull of celestial bodies by expending a small amount of fuel. A satellite operating in an inclined orbit does not maintain north-south station-keeping with respect to the equatorial plane of the earth, extending its useful life.¹⁸ When we first authorized satellites to operate in inclined orbits in 1989, we were concerned about potential interference to geostationary satellites that do not operate in inclined orbits. Interference has not proven to be a problem. Further, in 1993, the Radiocommunication Bureau (formerly IFRB) of the International Telecommunication Union ("ITU") amended its Rules of Procedure to remove the five degree inclination excursion limitation on geostationary satellites. We therefore see no reason to continue to require licensees to apply for authority to operate in inclined orbits. Rather we propose to permit a licensee to operate a satellite in an inclined orbit provided that the Commission is notified by letter within 30 days after the commencement of inclined orbit operation. The notification should include: (a) the date of commencement of inclined orbit operation; (b) the initial inclination; (c) the rate of change in inclination per year; and (d) the expected end-of-life of the satellite accounting for inclined orbit operation.

¹⁷ Please note that the Columbia Operations Center in Columbia, Maryland has replaced the Commission's Laurel, Maryland field office. See FCC Closes Baltimore Field Office, Public Notice (June 16, 1995).

¹⁸ To avoid adjacent satellite interference, station-keeping must be maintained in the east-west direction.

16. In proposing this, however, we note that the Commission has stated that authorization to operate in inclined orbit mode beyond the satellite's ten year license term is not intended to impede the introduction of new satellite technology. We also note that earth stations in the 6 GHz band uplinking to a satellite in an inclined orbit must update their frequency coordination, if necessary. We solicit comment on this proposal.

B. Earth Stations

1. License Renewal Term for C-band Transportables

17. We propose to increase the license term for temporary fixed earth stations¹⁹ (also referred to as transportables) operating in the C-band (6/4 GHz) from one year to ten years. A ten year term is better than the current one year term because most, if not all, parties providing transportable services in the C-band are seeking to provide service for more than one year. Increasing the license term will allow applicants to engage in long-term business planning, reduce the administrative burden on the agency associated with processing these renewals, and reduce the regulatory burden on licensees.

18. Unlike traditional C-band stations, which remain at the same location and which must submit a comprehensive interference analysis as part of the application process, transportables are generally set up quickly to cover news stories or other time sensitive events. We first began licensing transportable earth stations in 1981²⁰ and in order to monitor the interference generated by transportables, we awarded the stations one year operating licenses. We required their operators to notify the licensees of all terrestrial facilities operating in the same frequency band within the coordination contour of the proposed transportable site.²¹ Though not explicitly required, many transportable operators voluntarily notify the Engineers-in-Charge ("EIC") who administer the field offices of the Compliance and Information Bureau. Transportable stations are authorized to begin transmissions only after earth station operators confirm that unacceptable interference will not be caused to such terrestrial stations.²² This notification process has worked well. Temporary fixed earth stations have been able to operate on short notice and without causing harmful interference to terrestrial facilities. Therefore, it is unnecessary to continue to limit the authorization period to one year. To avoid interference to terrestrial operators during the ten year license term, C-band transportables must continue to coordinate their activities with terrestrial facilities in accordance with Section 25.277 of our Rules. We also propose to make it mandatory that C-band transportables notify the Commission of their operations. Specifically, we propose to amend our rules to require C-band transportables to notify the Director of the Commission's Columbia Operations Center instead of the EIC located in the coordination contour of the proposed transportable site. A central Commission point of notification will better assist us in monitoring transportable operations. We seek comment on this proposal.

¹⁹ Temporary fixed earth stations operate from stationary positions but are not fixed to one particular location and can be relocated easily (e.g., a satellite news-gathering vehicle).

²⁰ See Western Tele-Communications, Inc., Mimeo 003640 (released September 30, 1981).

²¹ 47 C.F.R. § 25.277(c)-(e).

²² 47 C.F.R. § 25.277(c)-(e).

2. Licensing Provisions for Very Small Aperture Terminal (VSAT) Networks

19. In 1986 we issued an order establishing criteria for licensing Very Small Aperture Terminal (VSAT) Networks.²³ These are networks of technically identical small antennas that generally communicate with a larger hub earth station. At the suggestion of industry representatives, we propose to eliminate the requirement that an applicant complete construction of its network within 48 months of the date of grant, and instead, allow VSAT licensees to complete construction of their networks over the course of their ten-year license term. When we created rules to govern the VSAT service, we established a four year implementation period to monitor the construction of VSAT antennas. VSAT licensees have steadily constructed their networks during the four year implementation period but generally require more than four years to complete construction of their entire network. In light of the maturity of the VSAT service and because VSAT licensees have been aggressive in constructing their networks, continuing the four year implementation period is unnecessary. We expect VSAT licensees will continue to build-out their systems aggressively. Furthermore, eliminating the four year implementation period requirement will provide operators with greater flexibility in their financial and construction planning.

20. We also propose to eliminate the requirement that licensees report to the Commission, on a yearly basis, the number of VSAT stations actually constructed. Instead, we propose to require that licensees specify the number of VSAT stations constructed only when applying to renew their licenses (FCC Form 405). The annual reporting requirement allowed us to monitor the development of the industry. The industry has now developed to a point that it is an integral part of the U.S. communications network. Requiring licensees to provide the number of stations installed only once every ten years in their license renewal applications will allow us to continue to monitor the growth of the industry and presents little burden to licensees. We reserve the right to require a licensee to inform us of the number of VSAT stations it has constructed at any time during its license term. We propose to amend Section 25.134 of our rules to reflect these changes and ask whether we should consider eliminating any other requirements.

21. We propose certain technical amendments to Section 25.134 of our rules that will make it consistent with authorization criteria for VSAT networks established in our VSAT Order. Specifically, we propose to replace the references to "maximum outbound downlink power densities" in Section 25.134(a), and "satellite carrier power densities" in Section 25.134(b), with "maximum outbound downlink EIRP [effective isotropically radiated power] densities"²⁴ and "satellite carrier EIRP densities,"²⁵ respectively. We propose to amend Section 25.134(a) to provide that routinely processed applications for digital VSAT networks may have a maximum hub EIRPs of 78.3 dBW and to amend Section 25.134(b) to include a maximum hub EIRP of 78.3 dBW.²⁶ We ask for comments on these proposed technical amendments and specifically ask that parties who disagree with these proposals discuss whether

²³ In the Matter of Routine Licensing of Large Networks of Small Antenna Earth Stations Operating in the 12/14 GHz Frequency Bands, Declaratory Order, (released April 9, 1986) ("VSAT Order").

²⁴ VSAT Order at ¶ 15 (referring to "outbound transmissions from the satellite to an EIRP carrier density of +6.0 dBW/4 kHz").

²⁵ VSAT Order at ¶ 13 (referring to satellite carrier EIRP density not exceeding +6.0 dBW/4 kHz).

²⁶ VSAT Order at ¶ 14 (establishing that an EIRP higher than 78.3 dBW can cause unacceptable interference).

they are inconsistent with the VSAT Order.

22. We also propose to remove Section 25.115(c)(1) and (c)(5) of our rules, which require applicants seeking authority to construct and operate VSAT networks to include a general narrative section describing the proposed applicant and system and to designate a point of contact where records of location and frequency use are maintained. The current application form, FCC Form 493, requests this information and any new forms that replace FCC Form 493 will specifically request this information. It is, therefore, unnecessary to note this information in our rules. Subsections 25.115(c)(1) and (c)(5) are redundant and provide no noticeable benefit. We ask for comments on this proposal.

3. Eliminating the requirement for prior authorization for minor earth station modifications

23. In order to make a change to an existing earth station, a licensee, in accordance with Section 25.117, must obtain prior authorization from the Commission before making any changes, regardless of whether the change is "major" or "minor". "Minor" modifications are those that do not have the potential to increase interference to adjacent satellites. Because, by definition, no other operators will be affected by a "minor" modification to an operating earth station, we propose to allow operators to notify us after they have completed the modification and we propose to eliminate the filing fee for authority to make a "minor" modification. Thus, we propose to allow earth station licensees to notify the Commission by letter within 30 days after the modification is completed if the modification does not involve: (a) an increase in EIRP or EIRP density; (b) an increase in transmitter power; (c) a change in coordinates for earth stations operating in C-band; (d) a change in coordinates of 10 seconds or greater for stations operating in Ku-band; or (e) a change or addition to antenna facilities. In addition, a licensee providing service on a private basis may change its operations to common carrier status under this authorization procedure.

4. Elimination of bandwidth limitation on earth stations

24. In order to routinely license an earth station, the power density and gross bit rate/bandwidth limits of the proposed earth station must be compatible with two degree orbital spacing. Earth stations equal to or larger than 4.5 meters in diameter and transmitting in the 6 GHz band could be routinely licensed provided that the power densities do not exceed +0.5 dBW/4 kHz for analog SCPC carriers with bandwidths up to 200 kHz and do not exceed -2.7 dBW/4 kHz for digital SCPC carriers with gross bit rates up to 4.839 Mbps.²⁷ Earth stations equal to or larger than 1.2 meters in diameter and transmitting in the 14 GHz band could be routinely licensed provided that the power densities into the small antenna earth stations do not exceed -14.0 dBW/4 kHz for digital transmissions at gross bit rates up to 512 kbps (inbound link) and the satellite carrier EIRP densities do not exceed +6.0 dBW/4 kHz for digital transmissions at gross bit rates up to 3.088 Mbps (outbound link).²⁸

25. We have received applications proposing to use wide bandwidth digital carriers. However, we do not currently have any rules or policies concerning the routine licensing of such carriers. Thus, it is necessary to set a standard or outline our policy for digital carriers with wideband emissions.

²⁷ Routine Licensing of Earth Stations in the 6 GHz Band Using Antennas Less Than 9 Meters in Diameter for Narrowband Transmissions at ¶ 5, Declaratory Order, (released September 25, 1985).

²⁸ VSAT Order at ¶ 10.

In order to protect existing and future VSAT services from interference, we propose to extend the existing power density limits for VSATs to all digital carriers. We also propose to eliminate the narrow bandwidth limitations for digital VSAT carriers and not adopt a bandwidth limitation for narrow or wide bandwidth digital carriers. Digital VSAT carriers are the only digital carriers subject to a bandwidth limitation. At the time we adopted a bandwidth limitation for narrow band digital VSAT carriers, there were no entities seeking to use wider bandwidths. In light of the increasing demand to operate with wider bandwidths, we see no reason to continue to have bandwidth limitations for digital carriers. We ask commenters whether applying the existing power density limits for narrow band digital VSAT carriers to other narrow or wide bandwidth digital carriers would provide sufficient power for a viable service and whether removing the bandwidth limits will have a negative effect on the two degree spacing policy. Furthermore, we seek comment on the feasibility of sharing between narrowband digital VSAT and wideband digital carriers.

C. General Proposals

1. FCC Forms

26. We propose to adopt, for use by the International Bureau, a new multipart form consisting of a main form and several schedules,²⁹ in lieu of FCC Forms 430 (Licensee Qualification Report), 493 (Application for Earth Station Authorization or for Modification of Station License), 702 (Application for Consent to Assignment of Radio Station Construction Permit or License for Stations in Services Other than Broadcast), and 704 (Application for Consent to Transfer of Control). The proposed form will enable an applicant to accomplish a number of different activities using one form and selected schedules rather than many different forms that contain unnecessary or redundant information. This form will be tailored to the satellite industry and will contain information relevant to the processing of satellite applications. The schedule concept permits us greater flexibility in modifying forms as the requirement of our rules and needs of the industry evolve. We expect to make the proposed forms electronically available to the public. Our proposal will reduce regulatory and administrative burdens and create a more efficient application process.

27. Although we propose to eliminate the use of FCC Forms 430, 493, 702, and 704 by the International Bureau, we will include all relevant questions from those forms on the proposed form. The main portion of the proposed form is similar to FCC Form 430 in purpose and content, and essentially serves as a filer qualification report. It requests information sufficient to identify the filer, establish the filer's basic eligibility and qualifications, and classify the filing according to the type of authorization requested. The main portion of the proposed form also requests information concerning alien ownership, character, and control. Currently, we require applicants to file FCC Form 430. Under the proposed rule, they would instead file the main portion of the proposed form. For example, we propose to require an applicant seeking authorization to launch and operate a space station to submit the main portion of the proposed form without attaching any schedules, in lieu of the currently required FCC Form 430.³⁰

28. Because the information requested by FCC Forms 702 and 704 are very similar, we

²⁹ See Appendix C. The proposed form with its attached schedules is similar in format to the recently adopted FCC Form 600 being used by the Wireless Bureau.

³⁰ See 47 C.F.R. § 25.114(c)(19).

propose to combine these forms into one schedule. We also propose to amend Section 25.118(f) of our rules to require that parties notify the Commission by letter, within 30 days of the consummation of a transfer or assignment, of the date of consummation and the file number of the applications involved in the transaction. While we currently require parties to notify us of the consummation of an assignment or transfer, we do not in our rules specify a timeframe during which notification must occur.³¹ FCC Form 704 (Application for Consent to Transfer of Control) specifies a 10 day limit, while FCC Form 702 (Application for Consent to Assignment) does not specify a limit. To provide the public with clear direction as to time within which notification is required we propose to include a 30 day limit in Section 25.118(f) of our rules. A 30 day timeframe gives parties more than sufficient time to notify us, and codifying this proposal in our rules provides parties with sufficient notice of our requirements. We will note the 30 day limit on the proposed form. We ask parties to comment on any questions they believe should be eliminated or added to the new form, and the benefits or problems associated with adopting a new form with schedule attachments. We also ask for comments concerning our proposed 30 day limit.

2. Interference Analysis in the C, Ka, and Ku Bands

29. Parties seeking to launch and operate geostationary satellite space stations and earth stations such as VSATs using the Ku (12-18 GHz), Ka (27-40 GHz), and C bands, must submit engineering analyses to demonstrate that their existing or proposed facilities will not interfere with other uses of the geostationary satellite orbit at two degree orbital spacing.³² A computer program known as ASIA (Adjacent Satellite Interference Analysis)³³ is commonly used to analyze the compatibility of space stations in a two degree spacing environment and is also referenced in regard to VSAT network analyses.³⁴ In order to use this computer program, a "database" is required. The database that the Commission has used for its own analyses was last updated in 1986 and is now obsolete. With the use of new technology and shifts in the requirements for communications products, older systems are becoming obsolete and should be removed from the database. Likewise, newly emerging systems should be added to the database. We propose to revise and update this database for use by satellite and earth station applicants.

30. We propose that the Commission update the database now, and in the future, when there is a new processing round. We also propose adopting ASIA as the standard program for analyzing interference. Therefore, we will look to ASIA as the standard analyses against which to compare all other interference analyses. We propose asking that all geostationary satellite services and all earth stations that are part of a satellite network in the Ku, Ka, and C bands voluntarily provide us with a floppy diskette containing the characteristics of their satellite network in a format consistent with the

³¹ See 47 C.F.R. § 25.118(f).

³² See 47 C.F.R. § 25.134.

³³ George Sharp, Reduced Domestic Satellite orbital Spacings at 4/6 GHz, FCC, Office of Science and Technology, Technical Analysis Division, Report FCC/OST R83-2, May 1993.

³⁴ Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations, 99 F.C.C. 2d 737 (1985); 47 C.F.R. § 25.134(b).

ASIA computer program.³⁵ Communications links that the operator wishes to have considered in future adjacent satellite interference analyses should be included on the disk and printed copies of the data provided on the disk should also be submitted for inclusion in the public record. We also propose making the database available through the Reference Center of the International Bureau and on the internet. We ask for comments on our proposal. Specifically, what type of earth stations should be required to submit information; whether we should use ASIA as the standard interference analysis program; whether we need to update the ASIA program; and whether there are issues of confidentiality concerning the information to be submitted by operators or licensees, and if so, how should we address them.

3. Eliminating Developmental Operation Rules

31. We propose to eliminate Subpart E, including Section 25.300, concerning developmental operations, and to remove Section 25.308 from Subpart E but redesignate it as Section 25.281. Developmental authorization is tantamount to experimental authorization provided by the Office of Engineering and Technology ("OET"). A more consistent and substantive policy can be formulated by having a single office handle all such requests. Section 25.308 concerns Automatic Transmitter Identification Systems and, although it was included under Subpart E, it does not directly concern developmental operations. Therefore, Section 25.308 should be redesignated and included in Subpart D, Technical Operations. We ask for comments concerning whether developmental operations are tantamount to experimental operations and whether we should redesignate Section 25.308.

4. Eliminating Rules Detailing Appendix 28

32. We propose to amend Section 25.251 and to eliminate Sections 25.252-25.256 of our rules detailing the international coordination procedures contained in Appendix 28 of the ITU Radio Regulations. Appendix 28 is amended so frequently by the ITU that our rules become outdated very quickly. To avoid confusion and to ensure that the correct coordination procedures are being followed, we propose to reference Appendix 28 in Section 25.251 of our rules and to place a current version of Appendix 28 in our Reference Room. We seek comments on this proposal.

5. Field Office Change

33. The Columbia Operations Center in Columbia, Maryland has replaced the Commission's Laurel field office. Therefore, we propose to amend Sections 25.119(a), 25.142(c), 25.143(e)(1), 25.210(j), 25.272(b), 25.274(f) of our rules to refer to the Columbia Operations Center.

6. Protection for GPS

34. The Commission, National Telecommunications and Information Administration ("NTIA"), and Federal Aviation Administration ("FAA") have signed a memorandum of understanding ("MOU") that will culminate in technical standards permitting both Mobile-Satellite Service ("MSS")

³⁵ The following diskette formats can be read at the FCC: MS-DOS compatible floppy diskette, either 3-1/2 or 5-1/4 and either DS/DD or DS/HD.

systems and a global navigational satellite system ("GNSS") to operate compatibly.³⁶ Under the MOU, RTCA, Inc. will develop out-of-band emission standards for MSS user transmissions to protect GNSS receivers and, upon completion, will submit a final report to the Commission containing its recommendations. It is our understanding that the RTCA Working Group 6 has agreed to out-of-band emission limits to protect the Global Positioning System ("GPS") component of GNSS.³⁷ Although we have not yet received the final report from the RTCA, we are placing interested parties on notice that we will propose adopting their recommendations in the near future.

IV. CONCLUSION

35. In making the proposals set out in this Notice, we recognize that government interference with market forces through unnecessary regulation is costly. Such costs include the actual out-of-pocket costs incurred by industry in complying with various regulatory requirements as well as by government in administering these regulatory schemes. The proposed amendments to Part 25 of our rules will decrease the regulatory burden on industry and will make the licensing process for earth and space stations more efficient. By proposing these amendments, we recognize the need to ensure that the satellite industry operates in an environment defined by growth, efficiency, and competition. Given the large outlay of capital and the long-term planning necessary to establish satellite systems, we believe it is necessary to ensure that potential applicants and service providers are not hampered by unnecessary and sometimes redundant regulations. It is in this spirit that we propose the above-stated amendments. We request comment on these issues and proposals, and encourage all interested parties to participate in the resolution of this matter.

36. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in Appendix A. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis.

37. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before October 4, 1995, and reply comments on or before October 25, 1995. The Commission requests that parties provide comments on: (1) the necessity of the proposed collection of information for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimates of the burden of the proposed collection of information as published in the Federal Register; (3) enhancing the quality, utility, and clarity of the information to be collected; and (4) minimizing the burden of the collection of information on parties responding. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, send additional copies to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular

³⁶ The relevant MSS is limited to those allocations that are near the 1.5 GHz band.

³⁷ The RTCA Working Group is also examining out-of-band emission limits necessary to protect GLONASS, a component of GNSS. However, actual numbers have not yet been developed.

business hours in the Federal Communications Commission, Reference Center, Room 239, 1919 M Street, N.W. Washington, D.C. 20554.

38. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a). The Sunshine Agenda period is the period of time that commences with the release of public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. 47 C.F.R. § 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically exempted. 47 C.F.R. § 1.1203.

39. In general, an *ex parte* presentation is any communication directed to the merits or outcome of the proceeding made to decision-making personnel that (1) if written, is not served on the parties to the proceeding, or (2) if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. 47 C.F.R. § 1.1202(b). Any person who makes or submits a written *ex parte* presentation shall provide on the same day it is submitted, two copies of the same under separate cover to the Commission's Secretary for inclusion in the public record. The presentation (as well as any transmittal letter) must clearly indicate on its face the docket number of the particular proceeding and the fact that two copies of it have been submitted to the Secretary, and must be labeled or captioned as an *ex parte* presentation. 47 C.F.R. § 1.1206(a)(1).

40. Any person who is making an oral *ex parte* presentation including data or arguments not already reflected in the person's written comments, memoranda, or other previous filings in that proceeding shall provide on the day of the oral presentation an original and one copy of a written memorandum to the Secretary (with a copy to the Commissioner or staff member involved) that summarizes the data and arguments. The memorandum (as well as any transmittal letter) must clearly indicate on its face the docket number of the particular proceeding and the fact that an original and one copy of it have been submitted to the Secretary, and must be labeled or captioned as an *ex parte* presentation, 47 C.F.R. § 1.1206(a)(2).

41. For further information concerning this rulemaking contact Paula Ford (202) 739-0733 or Frank Peace (202) 739-0513 of the International Bureau, Federal Communications Commission, Washington, D.C. 20554.

V. ORDERING CLAUSES

42. Accordingly, IT IS ORDERED that pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ (4)(i) and 303, NOTICE IS HEREBY GIVEN of our intent to adopt the rule revisions set forth in Appendix B and the proposed form set forth in Appendix C.

43. IT IS FURTHER ORDERED that the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory

Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 et seq (1981).

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "William F. Caton" followed by a stylized flourish.

William F. Caton
Acting Secretary

APPENDIX A

Initial Regulatory Flexibility Analysis

A. Reason for Action

In this proceeding the Commission seeks to develop a record and to solicit comments on the proposed rules to streamline its licensing procedure and eliminate unnecessary regulations. These proposed rules are designed in large measure to implement recommendations made by industry representatives and other members of the public. In addition, the rules will codify basic applications requirements for satellite services.

B. Objective

This proceeding will elicit comments on the public interest benefits and costs of the proposed rules in accordance with the Commission's obligations under the mandate of Title III of the Communications Act of 1934.

C. Legal Basis

The legal basis of this action is found in Section 303 of the Communications Act, 47 U.S.C. § 303.

D. Reporting, Recordkeeping and Other Compliance Requirements

The proposed policy changes will not create additional burdens on the public.

E. Federal Rules That Overlap, Duplicate or Conflict With These Rules

None.

F. Description, Potential Impact and Number of Small Facilities Affected

The proposed rules would apply to all entities (including small entities) that seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The rules codifying basic applications requirements are codification of existing policies, will impose no additional burdens, and in fact, reduce the burden by eliminating several current requirements.

G. Any Significant Alternative Minimizing Impact on Small Entities Consistent with Stated Objectives

In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

APPENDIX B

Proposed Rule Amendments to 47 C.F.R. Part 25 of the Commission's Rules

Part 25 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations) is proposed to be amended as follows:

1. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101-104, 76 Stat. 419-427; 47 U.S.C. 701-744; 47 U.S.C. 554.

PART 25-SATELLITE COMMUNICATIONS

2. The Table of Contents for Part 25 is amended to read as follows:

Subpart A - General

Sec.

- 25.101 Basis and Scope.
- 25.102 Station authorization required.
- 25.103 Definitions.
- 25.104 Preemption of local zoning of earth stations.
- 25.105-25.108 [Reserved]
- 25.109 Cross-reference.

Subpart B - Applications and Licenses

- 25.110 Filing of applications, fees, and number of copies.
- 25.111 Additional information.
- 25.112 Defective applications.
- 25.113 Construction permits
- 25.114 Applications for space station authorizations.
- 25.115 Applications for earth station authorizations.
- 25.116 Amendments to applications.
- 25.117 Modification of station license.
- 25.118 Modifications not requiring prior authorization.
- 25.119 Assignment or transfer of control of station authorization.
- 25.120 Application for special temporary authorization.
- 25.121 License term and renewals.

EARTH STATIONS

- 25.130 Filing requirements for transmitting earth stations.
- 25.131 Filing requirements for receive-only earth stations.
- 25.132 Verification of earth station antenna performance standards.
- 25.133 Period of construction; certification of commencement of operation.

- 25.134 Licensing Provisions of Very Small Aperture Terminal (VSAT) Networks.
- 25.135 Licensing provisions for earth station networks in the non-voice, non-geostationary mobile-satellite service.
- 25.136 Operating provisions for earth station networks in the 1.6/2.4 GHz mobile-satellite service.

SPACE STATIONS

- 25.140 Qualifications of domestic fixed-satellite space station licensees.
- 25.141 Licensing provisions for the radio-determination satellite service.
- 25.142 Licensing provisions for the non-voice, non-geostationary mobile-satellite service.
- 25.143 Licensing provisions for the 1.6/2.4 GHz mobile-satellite service.

PROCESSING OF APPLICATIONS

- 25.150 Receipt of applications.
- 25.151 Public notice period.
- 25.152 Dismissal and return of applications.
- 25.153 Repetitious applications.
- 25.154 Opposition to applications and other pleadings.
- 25.155 Mutually exclusive applications.
- 25.156 Consideration of applications.

FORFEITURE, TERMINATION, AND REINSTATEMENT OF STATION AUTHORIZATION

- 25.160 Administrative sanctions.
- 25.161 Automatic termination of station authorization.
- 25.162 Cause for termination of interference protection.
- 25.163 Reinstatement.

Subpart C - Technical Standards

- 25.201 Definitions.
- 25.202 Frequencies, frequency tolerance and emission limitations.
- 25.203 Choice of sites and frequencies.
- 25.204 Power limits.
- 25.205 Minimum angle of antenna elevation.
- 25.206 Station identification.
- 25.207 Cessation of emissions.
- 25.208 Power flux density limits.
- 25.209 Antenna performance standards.
- 25.210 Technical requirements for space stations in the Fixed-Satellite Service.
- 25.211 Video Transmissions in the Domestic Fixed-Satellite Service.
- 25.212 Narrowband transmissions in the Fixed-Satellite Service.
- 25.213 Inter-service coordination requirements for the 1.6/2.4 GHz mobile-satellite service.
- 25.251 Special requirements for coordination.

Subpart D - Technical Operations

- 25.271 Control of transmitting stations.
- 25.272 General inter-system coordination procedures.
- 25.273 Duties regarding space communications transmissions.
- 25.274 Procedures to be followed in the event of harmful interference.
- 25.275 Particulars of operation.
- 25.276 Points of communication.
- 25.277 Temporary fixed earth station operations.
- 25.278 Additional coordination obligation for non-geostationary and geostationary satellite systems in frequencies allocated to the fixed-satellite service.
- 25.279 Inter-Satellite Service
- 25.280 Inclined Orbit
- 25.281 Automatic Transmitter Identification System (ATIS)

Subparts E-G [Reserved]

Subpart H - Authorization To Own Stock in the Communications Satellite Corporation

- 25.501 Scope of this subpart.
- 25.502 Definitions.
- 25.503-25.504 [Reserved]
- 25.505 Persons requiring authorization.
- 25.506-25.514 [Reserved]
- 25.515 Method of securing authorization.
- 25.516-25.519 [Reserved]
- 25.520 Contents of application
- 25.521 Who may sign applications.
- 25.522 Full disclosures.
- 25.523 Form of application, number of copies, fees, etc.
- 25.524 [Reserved]
- 25.525 Action upon applications.
- 25.526 Amendments.
- 25.527 Defective applications.
- 25.528-25.529 [Reserved]
- 25.530 Scope of authorization.
- 25.531 Revocation of authorization.

3. Section 25.113 is amended by revising paragraphs (a) and (d) to read as follows:

§ 25.113 Construction Permits.

(a) Except as provided in paragraph (b) of this section or in 25.131, construction permits must be obtained for all fixed or temporary fixed earth stations governed by this Part. Simultaneous application for a construction permit and station license may be made for all earth station facilities governed by this Part.

(b) * * *

(c) * * *

(d) A launch authorization must be applied for and granted before a space station may be launched and operated in orbit. Request for launch authorization may be included in an application for space station license. A launch authorization and station license may also be requested at any time for a space station constructed as an on-ground spare satellite. However, an application for authority to launch and operate an on-ground spare domestic satellite will be considered to be a newly filed application for cut-off purposes, except where the space station to be launched is determined to be an emergency replacement for a previously authorized space station that has been lost as a result of a launch failure or a catastrophic in-orbit failure.

4. Section 25.114 is amended to read as follows:

§ 25.114 Applications for space station authorizations.

(a) A comprehensive proposal shall be submitted for each proposed space station in narrative form with attached exhibits as described in paragraph (c) of this section. If an applicant is proposing more than one space station, information common to all space stations may be submitted in a consolidated system proposal.

(b) Each application for a new or modified space station authorization must constitute a concrete proposal for Commission evaluation, although the applicant may propose alternatives that increase flexibility in accommodating the satellite in orbit. Each application must also contain the formal waiver required by Section 304 of the Communications Act, 47 U.S.C. § 304. The technical information for a proposed satellite system need not be filed on any prescribed form but should be complete in all pertinent details. The format of the applications should conform to the specifications of § 1.49 of this chapter.

(c) The following information shall be contained in each application:

(1) Name, address, and telephone number of the applicant.

(2) Name, address, and telephone number of the person(s), including counsel, to whom inquiries or correspondence should be directed.

(3) Type of authorization requested (*e.g.*, launch authority, station license, modification of authorization).

(4) General description of overall system facilities, operations and services.

(5) Radio frequencies and polarization plan (including beacon, telemetry, and telecommand functions), center frequency and polarization of transponders (both receiving and transmitting frequencies), emission designators and allocated bandwidth of emission, final amplifier output power (identify any net losses between output of final amplifier and input of antenna and specify the maximum EIRP for each antenna beam), identification of which antenna beams are connected or switchable to each transponder and TT&C function, receiving system noise temperature, the relationship between satellite receive antenna gain pattern and gain-to-temperature ratio and saturation flux density for each antenna

beam (may be indicated on antenna gain plot), the gain of each transponder channel (between output of receiving antenna and input of transmitting antenna) including any adjustable gain step capabilities, and predicted receiver and transmitter channel filter response characteristics.

(6)(i) For satellites in geostationary-satellite orbit, orbital location, or locations if alternatives are proposed, requested for the satellite, the factors that support such an orbital assignment, the range of orbital locations from which adequate service can be provided and the basis for determining that range of orbital locations, and a detailed explanation of all factors that would limit the orbital arc over which the satellite could adequately serve its expected users.

(ii) For satellites in non-geostationary-satellite orbits, the number of space stations and applicable information relating to the number of orbital planes, the inclination of the orbital plane(s), the orbital period, the apogee, the perigee, the argument(s) of perigee, active service arc(s), and right ascension of the ascending node(s).

(iii) For 1.6/2.4 GHz Mobile-Satellite Service space stations, the feeder link frequencies requested for the satellite, together with the demonstration required by §§ 25.203 (j) and (k).

(7) Predicted space station antenna gain contour(s) for each transmit and each receive antenna beam and nominal orbital location requested. These contour(s) should be plotted on an area map at 2 dB intervals down to 10 dB below the peak value of the parameter and at 5 dB intervals between 10 dB and 20 dB below the peak values, with the peak value and sense of polarization clearly specified on each plotted contour.

(8) A description of the types of services to be provided, and the areas to be served, including a description of the transmission characteristics and performance objectives for each type of proposed service, details of the link noise budget, typical or baseline earth station parameters, modulation parameters, and overall link performance analysis (including an analysis of the effects of each contributing noise and interference source).

(9) For satellites in geostationary-satellite orbit, accuracy with which the orbital inclination, the antenna axis attitude, and longitudinal drift will be maintained.

(10) Calculation of power flux density levels within each coverage area and of the energy dispersal, if any, needed for compliance with § 25.208.

(11) Arrangement for tracking, telemetry, and control.

(12) Physical characteristics of the space station including weight and dimensions of spacecraft, detailed mass (on ground and in-orbit) and power (beginning and end of life) budgets, and estimated operational lifetime and reliability of the space station and the basis for that estimate.

(13) Detailed information demonstrating the financial qualifications of the applicant to construct and launch the proposed satellites. Applications for domestic fixed-satellite systems and mobile-satellite systems shall provide the financial information required by § 25.140(b)-(e), § 25.142(a)(4), or § 25.143(b)(3), as appropriate. Applications for international satellite systems authorized pursuant to Establishing of Satellite Systems Providing International Communications, 50 FR 42266 (October 18, 1985), 101 FCC 2d 1046 (1985), recon., 61 RR 2d 649 (1986), further recon., 1 FCC Rcd 439 (1986), shall provide the information required by that decision.

(14) Qualifications of applicant. FCC Form 312, Main Form. If FCC Form 312, Main Form, is already on file, indicate date, radio service and file number of most recent filing.

(15) A clear and detailed statement of whether the space station is to be operated on a common carrier basis, or whether noncommon carrier transactions are proposed. If noncommon carrier transactions are proposed, describe the nature of the transactions and specify the number of transponders to be offered on a noncommon carrier basis.

(16) Dates by which construction will be commenced and completed, launch date, and estimated date of placement into service.

(17) Public interest considerations in support of grant.

(18) Applications for authorizations for domestic fixed-satellite space stations shall also include the information specified in § 25.140.

(19) Applications for international fixed-satellite authorizations shall also provide all information necessary to comply with the policies and procedures set forth in Establishing of Satellite Systems Providing International Communications, 50 FR 42266 (October 18, 1985), 101 FCC 2d 1046 (1985), as modified by Permissible Services of U.S. license International Communications Satellite Systems, Order, FCC 92-95 released April 8, 1992.

(20) Applications for authorizations in the Radiodetermination Satellite Service shall also include the information specified in § 25.141.

(21) Applications for authorizations in the Mobile-Satellite Service in the 1545-1559/1646.5-1660.5 MHz frequency bands shall also provide all information necessary to comply with the policies and procedures set forth in Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service, 52 FR 4017 (Feb. 9, 1987), 2 FCC Rcd 485 (1987).

(22) Applications to license multiple space station systems in the non-voice, non-geostationary mobile-satellite service under blanket operating authority shall also provide all information specified in § 25.142.

(23) Applications for authorizations in the 1.6/2.4 GHz Mobile-Satellite Service shall also provide all information specified in § 25.143.

(d) Applicants requesting authority to construct and/or launch a system comprised of technically identical, non-geostationary satellite orbit mobile-satellite service space stations may file a single "blanket" application containing the information specified in paragraph (c) of this section for each representative space station.

5. Section 25.115 is amended by revising paragraphs (a), (b), and (c)(1)-(d) to read as follows:

§ 25.115 Application for earth station authorizations.

(a) Transmitting earth stations. Except as provided under § 25.113(b), Commission authorization

must be obtained for authority to construct and/or operate a transmitting earth station. Applications shall be filed on FCC Form 312, Main Form and Schedule C, and include the information specified in § 25.130.

(b) Receive-only earth stations. Applications to license or register receive only earth stations shall be filed on FCC Form 312, Main Form and Schedule C, and conform to the provisions of § 25.131.

(c) * * *

(c)(1) An FCC Form 312, Main Form and Schedule C, for each large (5 meters or larger) hub station operating with the network,

(c)(2) An FCC Form 312, Main Form and Schedule C, for each representative type of small antenna (less than 5 meters), and

(d) User transceivers in the non-voice, non-geostationary mobile-satellite service need not be individually licensed. Service vendors may file blanket applications for transceivers units using FCC Form 312, Main Form and Schedule C, and specifying the number of units to be covered by the blanket license. Each application for a blanket license under this section shall include the information described in § 25.135.

6. Section 25.117 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 25.117 Modification of station license.

(a) Except as provided for in § 25.118 (Modifications not requiring prior authorization), no modification of a radio station governed by this part which affects the parameters or terms and conditions of the station authorization shall be made except upon application to and grant of such application by the Commission. * * *

* * * * *

7. A new Section 25.118 is added to read as follows:

§ 25.118 Modifications not requiring prior authorization.

(a) Equipment in an authorized earth station may be replaced without prior authorization or notification if the replacement equipment is electrically identical to the replaced equipment.

(b) A licensee providing service on a private carrier basis may change its operations to common carrier status without obtaining prior Commission authorization by notifying the Commission by letter within 30 days after the completed change to common carrier status.

(c) Earth station licensees may make facility changes without obtaining prior Commission authorization, by notifying the Commission by letter within 30 days after the modification is completed, if frequency coordination procedures, as necessary, are complied with in accordance with Section 25.251, and the modification *does not* involve:

- (1) an increase in EIRP or EIRP density;
- (2) an increase in transmitter power;

- (3) a change in coordinates for stations operating in C-Band
- (4) a change in coordinates of 10 seconds or greater for stations operating in Ku-band;
- (5) a change or addition to antenna facilities.

8. Section 25.118 is redesignated as 25.119 and the first sentences of paragraph (c) and (d) and the last sentence of paragraph (f) are amended to read as follows:

§ 25.119 Assignment or transfer of control of station authorization.

* * * * *

(c) Assignment of license. FCC Form 312, Main Form and Schedule A, shall be submitted to assign voluntarily (as by, for example, contract or other agreement) or involuntarily (as by, for example, death, bankruptcy, or legal disability) the station authorization. * * *

(d) Transfer of control of corporation holding license. FCC Form 312, Main Form and Schedule A, shall be submitted in order to transfer voluntarily or involuntarily (*de jure or de facto*) control of a corporation holding any licenses. * * *

* * * * *

(f) * * * Within 30 days of consummation, the Commission shall be notified by letter of the date of consummation and the file numbers of the applications involved in the transaction.

9. Section 25.119 is redesignated as 25.120 and the last sentence of paragraph (a) is amended to read as follows:

§ 25.120 Application for special temporary authorization.

(a) * * * A copy of the request for special temporary authority also shall be forwarded to the Commission's Columbia Operations Center in Columbia, Maryland.

* * * * *

10. Section 25.120 is redesignated as 25.121 and paragraph (a) is amended to read as follows:

§ 25.121 License term and renewals.

(a) License term. Licenses for facilities governed by this Part will be issued for a period of 10 years.

* * * * *

11. Section 25.130 is amended by revising paragraph (a) to read as follows: